

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	J	N/S	O	R	23	S	OTHER	NUMBER	DEM.	YR.	NUMBER
1085/4		75-0132	04	11	75	3	890	1					6000	8509	P	75-0132-B

PLAINTIFFS

DEFENDANTS

Kenneth B. BOWLINE and V. N.
Youtsey d/b/a T.K.O. Motor Homes

WINNEBAGO INDUSTRIES, INC.,
an Iowa corporation

CAUSE

Automobile Dealer Day in Court Act, 70 Stat. 1125, 15 U.S.C. §1221-1225.
Defendant violated the standards of good faith required by the above
statutes in failing to renew a recreation vehicle franchise in Tulsa
County, Oklahoma.

ATTORNEYS

Thomas F. Birmingham
Darven L. Brown
Smith, Brown, Martin & Adkisson
410 Beacon Building
Tulsa, Okla. 74103
918-587-7234

Joseph M. Best,
Best, Sharp, Thomas, Glass & Warner
200 Franklin Bldg.,
Tulsa, Ok. 74103
582-8877

Royce H. Savage, Special Master
914 World Bldg.
Tulsa 74103
587-0000

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	6-1-77

DATE	NR.	PROCEEDINGS
4-11-75	1.	Complaint, filed. Summons issued. rm (<u>Jury trial demand</u>)
4-18-75		Alias Summons, Issued. mm
4-21-75		Return on U.S. Marshal's Service, filed. Returned at request of atty. dated 4-15-75 with fees of \$3.00. v
5-2-75		Summons, ret. & filed: served Tom Baumann, Dist.Mgr. of Winnebago Industries, Inc., 4-29-75. (USM \$10.48)g
5-23-75	2.	Answer, filed. g
6-25-75	MO	Parties are directed to hold PT conf. on or before 8-6-75 & file PT Order on or before 8-13-75. (AEB-J)k cps by cert mail
7-28-75	3	Joint request for time til 9-5-75 to file PT Order, filed.k
7-30-75		Order, filed, granting parties until 9-5-75 to file pretrial order. (AEB-J)g <i>7/1/75</i>
8-19-75		Deposition of Vernon N. Youtsey on behalf of deft. taken before James C. Hickerson (CSR) (\$57.00)lm
8-19-75		Deposition of Kenneth B. Bowline on behalf of deft. taken before James C. Hickerson (CSR) (\$85.50).lm
8-25-75		Deposition of Louis LeRoy LeGrand, filed. Taken on behalf of Pltfs. before James C. Hickerson (CSR) w/ fees of \$141.00 (Paid by pltfs.)k
9-10-75	4.	Joint request for Extension of Time of 30 days from 9-5-75 in which to file PT Order, filed. mm (O to J)
9-10-75	5.	Motion to Dismiss Allegations Allegedly Arising Pursuant to the Provisions of the Automobile Dealer Day in Court Act, 70 Stat. 1125, 15 U.S. Code, Section 1221-25 of the defendant Winnebago Industries, Inc., filed. mm
9-10-75	6.	Brief in Support of Motion to Dismiss , filed. mm
9-10-75	.	MO: It is ordered that the Pltf. file a responsive brief within 10 days to the Motion to Dismiss Allegations Allegedly Arising Pursuant to the Provision of the Automobile Dealer Day in Court Act, 70 Stat. 1125, 15 U.S. Code, Section 1221-25. (AEB-J) cps mld mm
9-12-75		ORDER, filed, granting parties until 10-5-75 to complete PT Order. (AEB-J)lm <i>4 app.</i>
9-15-75		Depositions of John H. Hanson, Thomas Gerald Thompson and Donald A. Peterson on Behalf of Plaintiffs taken before David A. Arneson (CSR) (\$200)lm <i>cps mld</i>
9-22-75	7.	Plaintiff's Brief in Opposition of Defendant's Motion to Dismiss, filed. mm (With Affidavit of V. N. Youtsey attached) <i>(of Deft. & Pltf.)</i>
10-17-75	8.	Joint request/for Extension of time of 30 days to file pre-trial order, filed.mm (o to J)
10-21		Order, filed, (part of request), granting parties until 11-5-75 to file PT order. (AEB-J)g mld.
11-14	MO	Case referred to Magistrate Bradford for F&R re all pending mots. (AEB-J)k
11-20	9.	Joint request for extension of time, filed tc. <i>0-5</i>
11-26		Order, filed, granting parties 30 days. from time pending mot. to dismiss has been ruled upon to file pretrial order. (AEB-J)g <i>4.25</i>

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-132</u>
			PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1975</u>			
12-17	MO:	Case set for hrg on Deft's mo to dismiss allegations allegedly arising pursuant to prov. of Auto. Dealer Day in Ct. Act. before Mag. Bradford on 1-15-76 at 1:30 p.m. (MLB-Mag)ph	
<u>1976</u>			
1-15	MO:	Case called for hrg. on motions before Mag. on defts. mo. to dismiss allegations allegedly arising pursuant to the provisions of the Auto. Dealer Day in Court Act. Parties represented. Mag. recommends mo. to dismiss allegations allegedly arising pursuant to the provisions of the Auto. Dealer Day in Court Act be sustained. Deft. counsel to prepare F&R within 5 days. (MLB-Mag)ph	
1-28	10.	Findings and Recommendations of Mag., filed. Mag. recommends that deft's mo. to dismiss the allegations allegedly arising pursuant to provisions of Automobile Dealer Day in Ct. Act, 70 Stat. 1125, 15 U.S. Code, Sec. 1221-25, be sustained. (MLB-Mag)ph cps mld	
2-11	11.	Order sustaining deft's mot. to dismiss allegations allegedly arising pursuant to provisions of Automobile Dealer Day in Court Act, 70 Stat. 1125, 15 U.S.C, Sections 1221-25, filed. (AEB-J)g cp mld	
3-24	12.	Joint request for ext. of time to complete and file their PT Order, filed. ph	
3-24	MO:	It is ordered by the Court that the parties are granted 30 days from 3-23-76 to file PT order. NO FURTHER EXTENSIONS TO BE GRANTED. (AEB-J)ph cps mld	
5-19	13.	Plaintiffs' proposed pre-trial order, filed.k	
6-17	MO	Case set for disposition on 7-12-76, at 11:00 a.m. for failure of defendant to file proposed pre-trial order due 4-23-76. (AEB-J)b ntc by cert ml	
7-12		Case called for disposition for failure of Deft. to file proposed P/T order. Parties represented. Deft. co. reports P/T order will be ready for filing this week. Ct. allows 3 days for P/T order to be filed. (AEB-J)b	
7-19	14.	Defts' proposed pre-trial order, filed.s	
7-23	MO:	Case set for jury trial on 9-7-76, at 9:30 A.M. (AEB-J)b nts by cert ml	
8-23	15	Joint appl. for continuance of jury trial, filed. g	
8-24		Order, as part of appl., filed, striking case from 9-7-76 trial assignment, to be placed upon the next jury docket. (AEB-J)k cps mld	
9-13	MO	Case set for jury trial on 10-18-76 at 9:30 a.m. (AEB-J)k ntc by cert ml	
10-8	16	Trial brief of pltfs., filed. g	
10-12		Deposition of Gary Carlton Howe taken on 10-4-76 at Chicago, Ill., before Sally J. Cochran, CSR, filed.s	
12-21		Sub., ret. & filed. served Chas. Utley 12-20-76. (US ^M \$3.44)g	

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1976			
10-12	17.	Pltfs. requested jury instructions, filed.s	
10-12	18.	Pltfs. voir dire questions to be asked the jury panel, filed.s	
10-14	MO:	Case stricken from jury docket of 10-18-76, to be re-set on Nov. docket.(AEB-J)b nts by phone	
10-15-76	19.	Pltfs.' notice of taking deposition of Gary Howe on 10-4-76 at Chicago, Ill., filed.s	
10-22	MO	Case set for jury trial on 11-22-76, at 9:30 a.m.s (AEB-J) nts. by cert. ml w/affid	
11-8	MO:	Case transferred to Judge Howard C. Bratton, New Mexico, for JURY TRIAL on 11-29-76 at 9:30 a.m. (AEB-J)v -nts mld cert w/aff.	
11-24	20.	Trial Brief of Deft. Winnebago Industries, filed. nb	
11-29	MO:	Conference held in chambers. Counsel present. Case passed to next jury docket. (HCB-J)rm - parties notified byphone	
11-29	MO:	Case retransferred to Judge Allen E. Barrow.(H.C. Bratton-J)rm	
12=6	MO:	Case set for jury trial on 1-10-77, at 9:30 A.M.(AEB-J)b nts by cert ml w/affid.	
1977			
1-3	21.	Pltfs.' requested jury instructions, filed.s	
1-3	22.	Supplement to pltfs' pre-trial order number and description of pltfs' exhibits, filed.s	
1-3	23.	Supplemental trial brief of pltfs., filed.s	
1-10		Subpoenae, ret. & filed: served Bob Revels and Richard Greenwood 1-5-77. (USM \$6.64)g	
1-10	M O:	Due to weather conditions case is passed to 1-12-77, 9:30 A.M.(AEB-J)b nts by phone	
1-12		Case called for jury trial. Parties present & rep. Case passed to jury docket on Feb. 23, 1977, to be first case on docket.(AEB-J)b	
1-20	MO:	Case set for jury trial on 2-22-77, at 10:00 A.M.(AEB-J)b nts by cert ml w/affid.	
2-7	24.	Order, filed, referencing case to Royce H. Savage as Special Master, pltfs. having orally advised the Court that they withdraw jury trial demand. Further, that case remain on 2-22-77 docket. (AEB-J)k cps mld	
2-8	MO:	Ordered that case is set for pretrial conf. before Special Master Royce H. Savage for Thurs., 2/10/77 at 10 a.m. in AEB's conf. room. (RHS-Sp.Mstr) rm - phoned and notices	
2-10		Pretrial conf. held before Special Master. Parties rep. by counsel of record. Statements made. Order of Reference approved by both parties. Jury demand waived by both parties. Nonjury trial scheduled for 2/22/77 before Sp. Master at 9:30 a.m. in Ctroom #3. Special Master waives requirement of pretrial order. Parties anticipate case will take 1-2 days to try. (RHS-Sp.Mstr)(unreported)rm	
2-10	--	Return on U.S. Marshal's Service, Civil Subpoenas, fld. Served Charles Utley, Richard Greenwood and Bob Revels. Fees of \$10.20. v	

(CONTD.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-132
BOWLINE		WINNEBAGO	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>			
2-23	Min:	Non-jury trial held before Special Master, Royce H. Savage, 2/22 and 2/23/77. Parties present and represented. Rule is invoked and all witnesses sworn simultaneously. Parties waive opening statements and stipulate to trial before Special Master and waive trial by jury. Pltf. presents case in chief w/testimony of witnesses and admission of trial exhibits. Pltf. rests, and def. mo/dismissal overruled. Def. presents case in chief w/testimony of witnesses and exhibits admitted, and rests. Ct. makes statement re issues. Parties granted 15 days after receipt of portion of trial transcript to file post-trial memorandums simultaneously. After memos filed, Court will set case for further oral argument and for decision.(Royce H. Savage-Special Master) (Pat Gile-Ct. Reporter) rm	
2-23 4-4	25	Trial exhibits, filed. rm (in exhibit room, one packet and 5 graphs) Pltf. memorandum brief. fld. ho	
4-5	26	Memorandum brief of def., filed. rm	
4-6	MO:	Case set for oral argument and decision on Tues., 4/12/77 at 10 a.m. (RHS-Sp. Master)rm-notices	
4-12	MO:	Case called for oral argument and final decision. Parties present and represented by counsel of record. Oral argument had. Court finds that def. has not sustained the burde- of establishing that the non-renewal of the Franchise Agreement was in good faith. Court finds in favor of pltf. in amt. of \$75,000. Pltfs are entitled to reasonable attorney fees. Hearing on atty. fees set for Friday, 4/15/77 at 10 a.m. Pltf. directed to prepare FF/CL and submit for signature. (RHS-Special Master)(Pat Giles = CSR)rm	
4-15	MIN:	Hearing held on pltf. oral appl. for attorney fees. Darvin L. Brown, Pat Malloy and Tom Birmingham sworn and testified on behalf of pltf. Court finds attys fees for pltf. in amt. of \$20,000. Pltf. submits proposed Report of Special Master. Discussion held reobjs. thereto. Def. directed to prepare proposed FF/CL and submit to Special Master for final report within 5 days. Special Master will prepare and file FF/CL and recommended Judgment to Court.(RHS-Sp.Master)(Pat Gile-CR)rm	
4-15	27.	Bill of costs, in amt. of \$1,611.81, filed by pltf. Cost hearing to be set by Clerk at time of entry of judgment by court. rm	
4-25	28.	Defts. Proposed Findings of Fact, filed. nb	
4-27	29.	Report of Special Master, filed.(RHS-Special Master) rm - copies md.	
5-5	30.	Order, filed and entered, that pltfs. have judg. against def. in the amt. of \$75,000, plus atty. fees of \$20,000 and costs.(AEB-J)rm copies to counsel and Savage	
5-5	MO:	Case set for hearing on costs before Clerk for 5/17/77 at 10 a.m. (JCS-Clk)rm-notices	
5-16	MO	Costs hrg. before Clerk set for 5-17-77 at 10:00 a.m. passed. To be reset by the Clerk. (JCS-Clk)k ntc by phone	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF KENNETH B. BOWLINE, et al	DEFENDANT WINNEBAGO INDUSTRIES, INC.	DOCKET NO. _____ PAGE ____ OF ____ PAGES
--	---	---

DATE	NR.	PROCEEDINGS
5-24-77	---	Excerpts of transcript of non-jury trial on 2/22 & 23/77 before Royce H. Savage, Special Master, filed. lm
5-25	MO:	Case set for hrg. on taxation of costs before Clerk for Thurs., 6/2/77 at 10 a.m. (JCS-Clk)rm-parties phoned
6-2		Cost hrg. held before Clerk. Costs taxed in amt. of \$926.55 in favor of pltf. and against deft. (JCS-Clk)rm
6-16	31	Release and satisfaction of judgment. fld. ho